

SENATE JOINT RESOLUTION 776

By Bell

A RESOLUTION to propose an amendment to Article XI, of the Constitution of Tennessee, relative to limitations on damages in civil liability actions and other causes of action.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article XI, of the Constitution of Tennessee be amended by adding the following language as a new, appropriately designated section:

Section ____.

(a) Notwithstanding any other provision of this Constitution, the legislature by statute may determine the limit of liability for all damages and losses, however characterized, other than economic damages, in any claim, cause of action or civil action. This subsection applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability.

(b) In this section, "economic damages" means compensatory damages for any pecuniary loss or damage. The term does not include any loss or damage, however characterized, for past, present, and future physical and emotional pain; suffering; inconvenience; physical impairment; disfigurement; mental anguish; emotional distress; loss of society, companionship, and consortium; injury to reputation; humiliation, noneconomic effects of disability, including loss of enjoyment of normal activities,

benefits and pleasures of life and loss of mental or physical health, wellbeing or bodily functions; and all other nonpecuniary losses of any kind or nature.

(c) This section applies to any applicable statute enacted by the One Hundred Seventh General Assembly, and to all applicable statutes enacted at subsequent regular or special sessions of the General Assembly.

BE IT FURTHER RESOLVED, that if a majority of the voters vote against this proposed constitutional amendment, a court may not consider any aspect of the vote for any purpose, in any manner, or to any extent.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Eighth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the senate is directed to deliver a copy of this resolution to the secretary of state and to the director of the office of legislative information services.